

NOT FOR PUBLICATION

NO. 25261

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellee, v.
OK YON VELA, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT,
HONOLULU DIVISION
(HPD NO. 02047361)

SUMMARY DISPOSITION ORDER

(By: Burns, C.J., Watanabe and Foley, JJ.)

Defendant-Appellant Ok Yon Vela (Vela) appeals from the Judgment filed on November 17, 2003 in the District Court of the First Circuit, Honolulu Division (district court).¹

On appeal, Vela contends (1) the district court erred by failing to allow Vela to cross-examine the investigating officer about a massage license violation, (2) the district court abused its discretion by limiting Vela's cross-examination of the investigating officer about his confusing Vela's case with other cases, and (3) there was insufficient evidence to convict her.

Upon careful review of the record and the briefs submitted by the parties and having given due consideration to

¹ The Honorable Barbara P. Richardson presided.

the arguments advanced and the issues raised by the parties, we resolve Vela's points of error as follows:

(1) Vela contends the district court erred by precluding defense counsel from questioning Officer Tallion about his arrest of Vela for unlicensed massage when Vela was, in fact, licensed. The district court did not err by excluding evidence of the massage license violation. Hawaii Rules of Evidence Rule 402; State v. Kupihea, 80 Hawai'i 307, 314-15, 909 P.2d 1122, 1129-30 (1996).

(2) Vela contends the district court abused its discretion by limiting the cross-examination of Officer Tallion with respect to other prostitution cases in which he was involved. The district court did not abuse its discretion by limiting the cross-examination of Officer Tallion with respect to other cases. Slocum v. State of Florida, 757 So.2d 1246, 1251 (Fla. Dist. Ct. App. 2000); State v. Newton, 59 Conn. App. 507, 521, 757 A.2d 1140, 1149 (2000).

(3) Vela contends there was insufficient evidence to convict her of Prostitution. There was sufficient evidence to convict Vela of Prostitution. State v. Eastman, 81 Hawai'i 131, 135, 913 P.2d 57, 61 (1996).

Therefore,

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IT IS HEREBY ORDERED that the Judgment filed on November 17, 2003 in the District Court of the First Circuit, Honolulu Division, is affirmed.

DATED: Honolulu, Hawai'i, August 9, 2004.

On the briefs:

Blake T. Okimoto and
Anne M. Okimoto
for defendant-appellant.

Chief Judge

Daniel H. Shimizu,
Deputy Prosecuting Attorney,
City and County of Honolulu,
for plaintiff-appellee.

Associate Judge

Associate Judge